

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KERWIN D. SCOTT,)
Plaintiff,)
v.) No. 4:13-CV-255-TIA
TERRY RUSSELL, et al.,)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court *sua sponte*. Plaintiff, an inmate at the Potosi Correctional Center, filed this 42 U.S.C. § 1983 action on February 8, 2013 [Doc. #1]. After attempting to amend the complaint by interlineation, the Court instructed plaintiff on March 4, 2013, to file an amended complaint [Doc. #12]. The amended complaint was filed on March 28, 2013 [Doc. #19]. On June 5, 2013, the Court granted plaintiff in forma pauperis status and issued an Order of Partial Dismissal [Docs. #24 and #25]. On June 24, 2013, plaintiff filed a motion to add parties [Doc. #28] and requested time to file a second amended complaint [Doc. #40]. On August 2, 2013, the Court instructed plaintiff to file a second amended complaint within thirty days [Doc. #41]. Plaintiff filed a second amended complaint on August 8, 2013 [Doc. #45], and the Court issued an Order, instructing defendants not to file an answer or other responsive

pleading to the second amended complaint until the Court had completed its review under 28 U.S.C. § 1915 [Doc. #47]. In addition, plaintiff has filed a number of miscellaneous motions [Docs. #29 (motion for counsel), #44 (motion instructing defendants to respond to the second amended complaint), #51 (motion for counsel), #53 (motion requesting judicial notice), #55 (motion for temporary restraining order regarding deprivation of his property), and #56 (motion for order directing defendants to respond to Doc. #55)]. On October 24, 2013, counsel Antoinette T. Schlapprizzi entered her appearance on behalf of plaintiff [Doc. #59].

Taking into consideration the fact that plaintiff is now represented by counsel in this matter, the Court will grant plaintiff time to file a third amended complaint. Because the Court is allowing plaintiff to amend his complaint, it will take no action as to the named defendants at this time. Plaintiff is reminded that his third amended complaint will supersede his previously-filed complaints and supplements and will be the only complaint this Court reviews. In addition, because plaintiff has now retained counsel, the Court will deny without prejudice plaintiff's above-mentioned pro se motions.

In accordance with the foregoing,

IT IS HEREBY ORDERED that plaintiff shall file a third amended complaint within thirty (30) days from the date of this Order.

IT IS FURTHER ORDERED that plaintiff's motions for appointment of counsel [Docs. #29 and #51] and motion instructing defendants to respond to the second amended complaint [Doc. #44], are **DENIED** as moot.

IT IS FURTHER ORDERED that the following pro se motions are **DENIED** **without prejudice**: Doc. #53 (motion requesting judicial notice), Doc. #55 (motion for temporary restraining order regarding deprivation of plaintiff's property), and Doc. #56 (motion for order directing defendants to respond to Doc. #55).

Dated this 30th day of October, 2013.

/s/ Terry I. Adelman
UNITED STATES DISTRICT JUDGE